

REMARKS

The above-referenced application has been reviewed in light of the Examiner's Final Office Action dated December 17, 2004. Claims 1, 14, 15, 18, 26, 27 and 32 have been amended. Accordingly, Claims 1, 5-12, 14-24 and 26-32 are currently pending in this application. These amendments are supported by the specification as originally filed, and no new matter has been added. The Examiner's reconsideration of the rejections in view of the above amendments and the following remarks is respectfully requested.

In accordance with the Office Action, Claims 1, 18, 27 and 32 drew objections for informalities of a generally typographical nature. Therefore, Claims 1, 18, 27 and 32 have been amended in accordance with the Examiner's kind suggestions. Amended Claims 1, 18, 27 and 32 overcome the Examiner's informalities objections. In addition, Claims 14, 15 and 26 have also been amended to correct minor typographical errors.

In accordance with the Office Action, Claims 1, 5-12, 14-24 and 26-32 stand rejected under 37 USC § 103(a) as being unpatentable over Kennedy et al. (US 6,812,131) or Chung et al. (US 6,787,448), in view of Arita et al. Applicants respectfully traverse.

Amended Claim 1 recites, *inter alia*, a "method of forming a via contact structure ... comprising ... forming a sacrificial layer filling the via hole on the hard mask layer ... forming an anti-reflective layer on the sacrificial layer ... and removing the second sacrificial layer pattern to expose the lower interconnection line."

The '448 patent to Chung et al. is generally directed towards a method of forming a via contact structure using a sacrificial layer, but fails to teach or suggest "forming an anti-reflective layer on the sacrificial layer", as recited by Applicants' Claim 1.

Likewise, the '131 patent to Kennedy et al. is generally directed towards a method of forming a via contact structure using a sacrificial layer, but fails to teach or suggest "forming an anti-reflective layer on the sacrificial layer", as recited by Applicants' Claim 1.

The Examiner relies on an application publication to Arita et al. (US 2004/0036076) for the suggestion of forming the anti-reflective layer on the sacrificial layer. The Arita application was filed in the United States on August 18, 2003, and published on February 26, 2004. There is no indication of any earlier publication of Arita in the English language. Applicants' present application is entitled to a foreign priority date of March 6, 2003 under 35 USC § 119, as properly claimed in Applicants' originally filed Utility Application Fee Transmittal. Thus, on the papers, Applicants' date of invention is at least as early as March 6, 2003. Therefore, the publication to Arita et al. is unavailable as a reference under 35 USC § 103(a) by operation of its unavailability under 35 USC § 102(e)(1).


Accordingly, the recitations of Applicants' amended Claim 1 are neither taught nor suggested by the '448 patent to Chung nor by the '131 patent to Kennedy. Similarly, the recitations of amended Claims 18 and 32, which each recite "forming an antireflective layer on the sacrificial layer", are likewise neither taught nor suggested by

the '448 to Chung nor by the '131 to Kennedy, whether taken alone or in combination with any of the other properly available references of record in this case.

Conclusion

Accordingly, it is respectfully submitted that amended independent Claims 1, 18 and 32 are in condition for allowance for at least the reasons stated above. Since Claims 5-12, 14-17, 19-24 and 26-31 each depend from one of the above claims and necessarily include each of the elements and limitations thereof, it is respectfully submitted that these claims are also in condition for allowance for at least the reasons stated, and for reciting additional patentable subject matter. Thus, each of Claims 1, 5-12, 14-24 and 26-32 is in condition for allowance. All issues raised by the Examiner having been addressed, reconsideration of the rejections and an early and favorable allowance of this case is earnestly solicited.

Respectfully submitted,

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